

1 BILL NO. G-83- 06-08

2 GENERAL ORDINANCE NO. G- 27-83

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating an alley thereof.

6 WHEREAS, a petition to vacate a public alley within the City  
7 of Fort Wayne (as more specifically described below) was duly file with the  
8 City Planning Commission; and

9 WHEREAS, said Commission duly held a public hearing thereon;  
10 and

11 WHEREAS, said Commission has duly forwarded its recommendation to  
12 this body approving said petition, all in accordance with I.C. 36-7-4-512(2)  
13 and this body having held a public hearing on said vacation as provided  
14 in I.C. 36-7-3-12; and

15 WHEREAS, this body concurs in the recommendation of the City  
16 Planning Commission.

17 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
18 CITY OF FORT WAYNE, INDIANA:

19 SECTION 1. That the petition filed herein to vacate a public  
20 alley within the City of Fort Wayne, more specifically described as follows,  
21 to-wit:

22 North .6' of the East-West alley abutting the South 40 feet  
23 of Lot 215 in Rockhill Addition.

24 and which vacating amends the Thoroughfare Plan of the City Comprehensive  
25 ("Master") Plan and is hereby approved in all respects.

26 SECTION 2. That this Ordinance shall be in full force and  
27 effect from and after its passage, any and all necessary approval by the  
28 Mayor, due public hearing thereon, and the legal publication thereof.

29  
30  
31  
32



J. K.  
Councilmember

APPROVED AS TO FORM AND LEGALITY

B. O. Boxberger  
BRUCE O. BOXBERGER, CITY ATTORNEY

\*\* Public hearing to be held on \_\_\_\_\_, the \_\_\_\_\_  
day of \_\_\_\_\_, 1982, in the Council Chambers.

Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by Stier,  
seconded by Talarico, and duly adopted, read the second time  
by title and referred to the Committee Regulation (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 6-14-83

Sandra E. Kennedy  
CITY CLERK

Read the third time in full and on motion by Stier,  
seconded by Talarico, and duly adopted, placed on its  
passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>6</u>	<u>0</u>		<u>3</u>	
BRADBURY				<u>✓</u>	
BURNS	<u>✓</u>				
EISBART	<u>✓</u>				
GIAQUINTA				<u>✓</u>	
SCHMIDT				<u>✓</u>	
SCHOMBURG	<u>✓</u>				
SCRUGGS	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 11/22/83

Sandra E. Kennedy  
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 9-27-83  
on the 22nd day of November, 19 83.

ATTEST:

(SEAL)

Sandra E. Kennedy  
CITY CLERK

Ray A. Ebert  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 23rd day of November, 19 83, at the hour of  
11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
CITY CLERK

Approved and signed by me this 28th day of Nov.  
19 83, at the hour of 9 o'clock A. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR



North .6 feet of the East-West alley abutting  
the South 40 feet of Lot 215 in Rockhill Addition

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

DATED THIS 12th DAY OF October 1983

  
STEPHEN A. BAILEY, CHAIRMAN

*Jack Wilson Sr.*  
JACK WILSON, SR., MEMBER



## RESOLUTION

WHEREAS, RANDALL ELLIOTT, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public portion of alley in Fort Wayne, Allen County, to-wit:

North .6 feet of the East-West alley abutting the South 40 feet of Lot 215 in Rockhill Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 20, 1983, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Stephen A. Bailey, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 27, 1983, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 23rd DAY OF August 1983

~~FORT WAYNE CITY PLAN COMMISSION~~

Stephen A. Bailey  
Secretary



# RECEIPT

OK # 1262

COMMUNITY DEVELOPMENT & PLANNING

No 8953

Ft. WAYNE, IND., 4-19 1983

RECEIVED FROM The Enmar Company \$ 100.00

THE SUM OF one hundred 00/100 DOLLARS

ON ACCOUNT OF vacation portion of an salary

WAB.

AUTHORIZED SIGNATURE



PETITION TO VACATE PORTION OF ALLEY

TO: THE CITY PLAN COMMISSION, CITY OF FORT WAYNE, INDIANA

The Undersigned petitioners do hereby respectfully petition the Fort Wayne Plan Commission to vacate the following portion of alley within the City of Fort Wayne, Indiana, and hereby described as follows:

North 0.6' of the East-West alley abutting the South 40 feet of Lot 215 in Rockhill Addition (see attached drawing).

In support thereof, your petitioners would represent as follows:

1. that they are the owners of the real estate on the South 40 feet of Lot 215 abutting the above-mentioned alley.
2. that a house on this portion of Lot 215 has to all appearances extended over the North 0.6' of the alley at least since the beginning of the century without being noted in any official survey until this year.
3. that no other person, firm, or corporation is adversely affected by the requested vacation.
4. that the most directly concerned party, the neighbor southward across the alley, supports the present petition by his signature below.
5. that even large passenger vehicles pass with ease through the section of the alley in question. Garbage/trash collection trucks also pass through.
6. that the maintenance of said portion of alley is not necessary or advantageous to the growth of the City of Fort Wayne.

Your petitioners file this petition pursuant to the authority granted in Indiana Code 36-7-4-512 in order to complete vacation as above described.

WHEREFORE, your petitioners pray that the above described portion of alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS TWELTH DAY APRIL, 1983.

917 College St

Adjacent Property Owner's Address

Randall Elliott

(RANDALL ELLIOTT)  
Randall

Adjacent Property Owner's Signature

915 College St., Ft. Wayne, Indiana

Petitioners' Address

Clark W Butler Rose Aimée Butler (acting as their own agents)

Petitioners' Signatures

(CLARK W. BUTLER & ROSE-AIMÉE BUTLER)

Tel : 485-0785 (home)  
482-5638 (office)





CITY ENGINEERS OFFICE S.E. 1/4 SEC. 3

76



BILL NO. G-83-06-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive  
("Master") Plan by vacating an alley thereof

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

*[Signature]*

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

*[Signature: Victure Scruggs]*

MARK E. GIAQUINTA

*[Signature: Mark E. Giaquinta]*

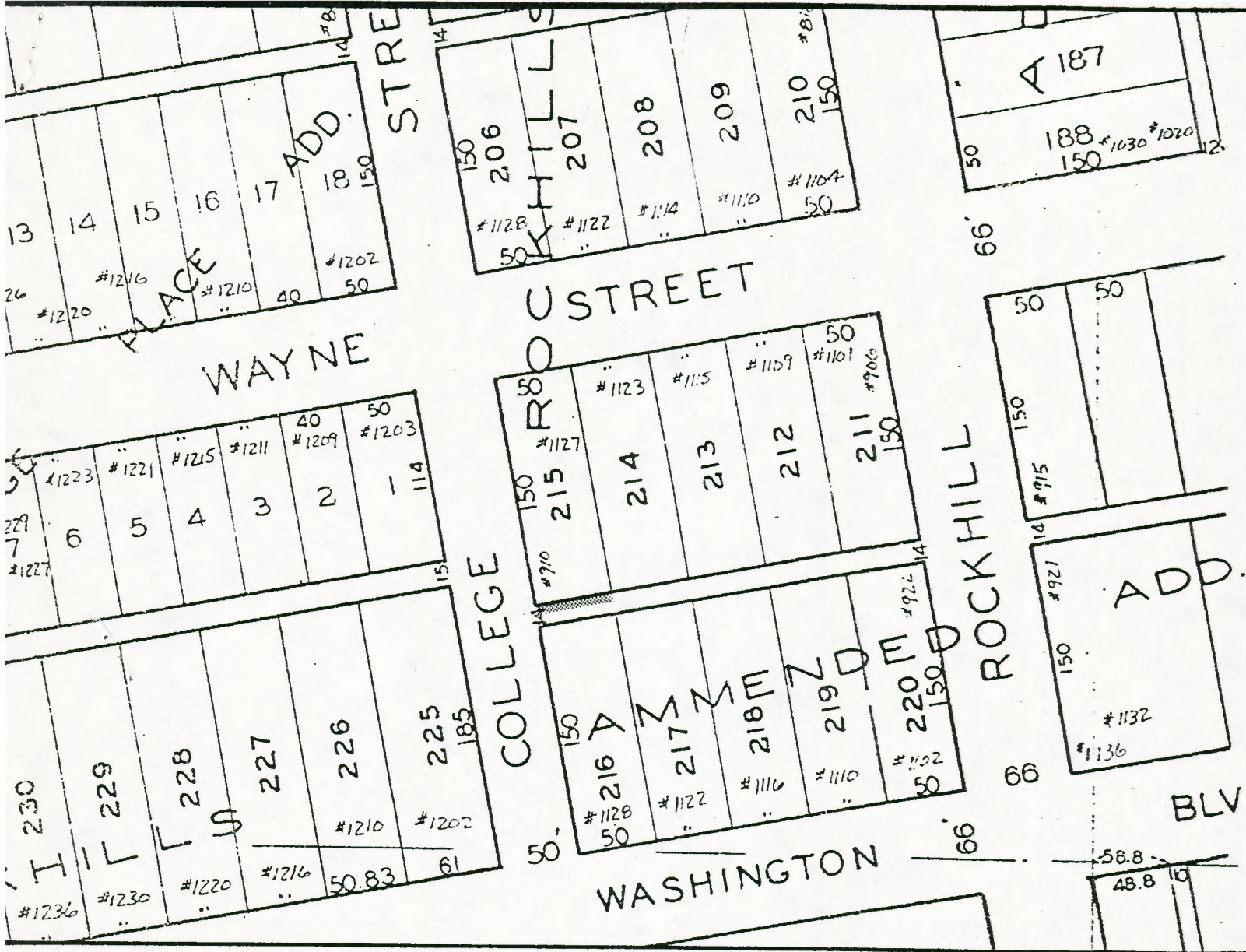
ROY J. SCHOMBURG

*[Signature]*

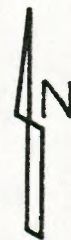
*[Signature: Sandra E. Kennedy]*

11-22-83





A PETITION TO VACATE PORTION OF ALLEY.



MAP NO. K-6

6-83-06-08



## DIGEST SHEET

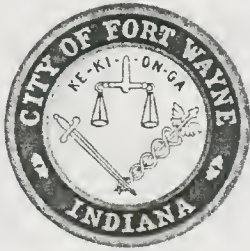
6298

**ORIGINAL**TITLE OF ORDINANCE Alley Vacation OrdinanceDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PD-83-06-08SYNOPSIS OF ORDINANCE North 0.6' of the East-West Alley abutting the South  
40 feet of Lot 215 in Rockhill Addition.EFFECT OF PASSAGE Property is now public right-of-way. Property will be  
closed to public and revert to adjacent property owners.EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_





THE CITY OF FORT WAYNE  
DIVISION OF LAND USE MANAGEMENT

Department of Community Development & Planning

23 August 1983

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held August 22, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-83-06-08
2. Intended Use: A building has been encroaching in this right-of-way for many years. This vacation is necessary to give the property a clear title.
3. Plan Commission Recommendation: DO PASS


This ordinance received a DO PASS recommendation for the following reason:

REASON: This vacation does not interfere with the Comprehensive Plan.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

GFB:pb





OWNER: Randall Elliott / 917 College Street / City

AGENT: Clark Butler / 915 College Street / City



NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, June 20, 1983 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana, on the following proposed alley vacation.

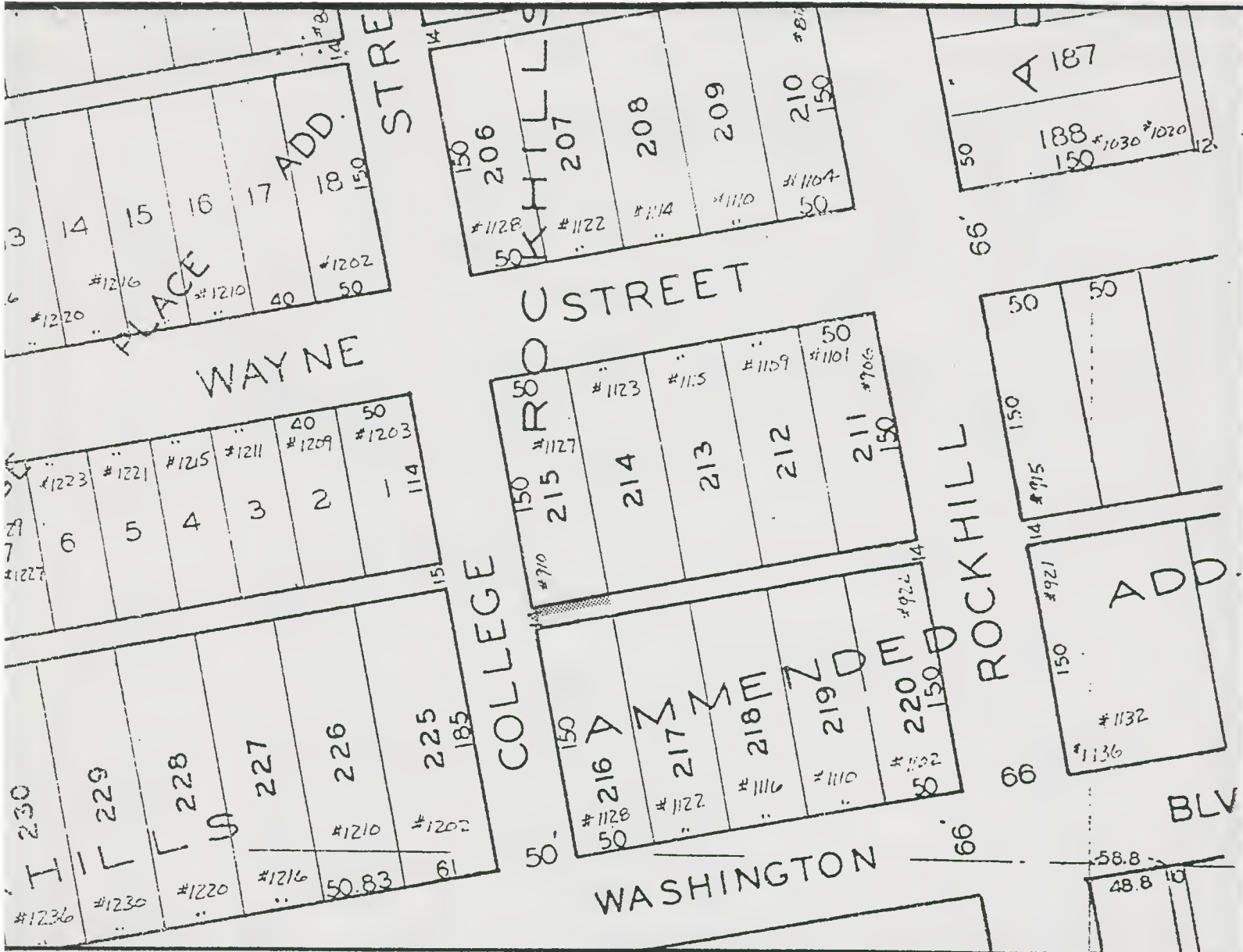
North .6 feet of the East-West alley abutting the South 40 feet of Lot 215 in Rockhill Addition.

All interested persons are invited to appear and be heard..

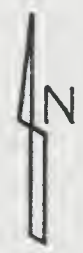
FORT WAYNE CITY PLAN COMMISSION

Stephen A. Bailey, Secretary





■ A PETITION TO VACATE PORTION OF ALLEY.



MAP NO. K-6

6-83-06-08



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-83-06-08)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne will conduct a public hearing on Tuesday, November 22, 1983, at 7:30 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Proposed alley vacation, North .6 feet of the  
East-West alley abutting the South 40 feet  
of Lot 215 in Rockhill Addition.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy  
City Clerk





# The City of Fort Wayne

November 14, 1983

Ms. Mary Gabet  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Gabet:

Please give the attached full coverage on the date of November 17, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-83-06-08  
Public Hearing - alley  
vacation

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1





# The City of Fort Wayne

November 14, 1983

Mr. Randall Elliott  
917 College Street  
Fort Wayne, IN 46804

Dear Mr. Elliott:

## NOTICE OF PUBLIC HEARING ON BILL NO. G-83-06-08

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 22, 1983, at 7:30 P.M. (EST) in the Council Conference Room, 1st Floor, Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Proposed alley vacation, North .6 feet  
of the East-West alley abutting the South  
40 feet of Lot 215 in Rockhill Addition.

All interested persons are invited to appear and be heard. Written material may be submitted to the Common Council prior to the hearing.

Sincerely,

Sandra E. Kennedy  
City Clerk





# The City of Fort Wayne

November 14, 1983

Mr. Clark Butler  
915 College Street  
Fort Wayne, IN 46804

Dear Mr. Clark:

## NOTICE OF PUBLIC HEARING ON BILL NO. G-83-06-08

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 22, 1983, at 7:30 P.M. (EST) in the Council Conference Room, 1st Floor, Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Proposed alley vacation, North .6 feet  
of the East-West alley abutting the South  
40 feet of Lot 215 in Rockhill Addition.

All interested persons are invited to appear and be heard. Written material may be submitted to the Common Council prior to the hearing.

Sincerely,

Sandra E. Kennedy  
City Clerk



UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



RETURN  
TO



Office of the City Clerk

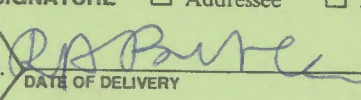
(Name of Sender)  
Room 120 - City-County Bldg.  
One Main Street

(Street or P.O. Box)  
Fort Wayne, IN 46802

(City, State, and ZIP Code)



PS Form 3811, Dec. 1980

<b>● SENDER: Complete items 1, 2, 3, and 4.</b> Add your address in the "RETURN TO" space on reverse.	
<b>(CONSULT POSTMASTER FOR FEES)</b>	
1. The following service is requested (check one). <input checked="" type="checkbox"/> Show to whom and date delivered ..... <input type="checkbox"/> Show to whom, date, and address of delivery..	
2. <input type="checkbox"/> <b>RESTRICTED DELIVERY</b> <small>(The restricted delivery fee is charged in addition to the return receipt fee.)</small>	
TOTAL \$	
3. ARTICLE ADDRESSED TO: Clark Butler 915 College Street Fort Wayne, wN 46804	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER P32 4565021
<b>(Always obtain signature of addressee or agent)</b> I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent 	
5. DATE OF DELIVERY	POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



Fort Wayne Common Council

(Governmental Unit)

To.....JOURNAL-GAZETTE.....Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

4

15

3

22

## COMPUTATION OF CHARGES

22 lines, 1 columns wide equals 22 equivalent lines at .215¢ \$ 4.73  
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra

TOTAL AMOUNT OF CLAIM.

1.00

\$ 5.73

## DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type.....6.....point

Number of insertions.....1.....

Size of quad upon which type is cast.....6.....

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Nov. 17, 19 83

Title.....CLERK.....

Form 904

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned.....Drusilla Roose.....who, being duly sworn, says that she is.....CLERK.....of the

JOURNAL-GAZETTE

a.....DAILY.....newspaper of general circulation printed and published in the English language in the city of.....FORT WAYNE, INDIANA.....town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for.....one time.....the dates of publication being as follows: 11/17/83

Subscribed and sworn to me before this 17th day of November 19 83

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING  
FORT WAYNE  
COMMON COUNCIL  
(BILL NO. G-83-06-08)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne will conduct a public hearing on Tuesday, November 22, 1983, at 7:30 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:  
Proposed alley vacation, north .6 feet of the East-West alley abutting the South 40 feet of Lot 215 in Rockhill Addition.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk



Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.Allen County, IndFORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

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Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra1.00

TOTAL AMOUNT OF CLAIM.

\$5.73

## DATA FOR COMPUTING COST

Width of single column 9.6 picasSize of type 6 pointNumber of insertions 1Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla RoseDate Nov. 17, 19 83Title CLERK

Form 903

## PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose who, being duly sworn, says that she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANAin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:11/17/83Drusilla RoseSubscribed and sworn to me before this 17th day of November, 19 83Arue M. Perkins

Notary Public

My commission expires November 29, 1985NOTICE OF PUBLIC HEARING  
FORT WAYNE  
COMMON COUNCIL  
(BILL NO. G-83-06-08)

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk

11-17